

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ADRIAN GIL ROJAS,

Petitioner,

-against-

WILLIAM JOYCE, *et al.*,

Respondents.

No. 25 Civ. 3937 (LJL)

**STIPULATION AND ORDER**

WHEREAS, petitioner Adrian Gil Rojas (“Petitioner”), a noncitizen and Venezuelan national, brought this petition for habeas corpus challenging his detention by U.S. Immigration & Customs Enforcement (“ICE”) and seeking, among other things, his release from custody;

WHEREAS, on March 28, 2025, U.S. Citizenship and Immigration Services (“USCIS”) mailed to Petitioner a decision withdrawing his Temporary Protected Status (“TPS”) (the “Withdrawal Decision”);

WHEREAS, on April 26, 2025, Petitioner sent an Form I-290B appeal of the Withdrawal Decision via UPS to a USCIS lockbox in Arizona, which UPS reported as delivered on April 28, 2025;

WHEREAS, Petitioner did not serve the Form I-290B appeal on ICE;

WHEREAS, as of May 12, 2025, the relevant Department of Homeland Security databases did not show a Form I-290B appeal received or pending on behalf of Petitioner, and thus ICE was not aware of Petitioner’s pending appeal of the Withdrawal Decision;

WHEREAS, on May 12, 2025, under the impression that Petitioner’s TPS status had been withdrawn and no appeal filed, ICE arrested Petitioner and detained him under 8 U.S.C. § 1226(a);

WHEREAS, on May 12, 2025, Petitioner filed this action seeking an order from this Court requiring his release on account of TPS;

WHEREAS, on May 13, 2025, Petitioner filed an amended habeas petition and motion for temporary restraining order, ECF Nos. 3, 4;

WHEREAS, on May 13, 2025, USCIS was able to confirm receipt of Petitioner's Form I-290B appeal by the USCIS lockbox in Arizona with a receipt date of April 28, 2025;

WHEREAS, on May 13, 2025, the Court entered an order temporarily restraining ICE from detaining or removing Petitioner from the United States or from this District, ECF No. 5;

WHEREAS, having confirmed the pending appeal of the Withdrawal Decision, ICE released Petitioner from custody on May 13, 2025; therefore

IT IS HEREBY STIPULATED AND AGREED by and between the parties, that:

1. The Court's May 13, 2025, order (ECF No. 5) is dissolved as moot.
2. This action shall be and hereby is dismissed without prejudice and without costs or attorney's fees to either party.
3. ICE agrees to provide 72 hours' notice to Petitioner's counsel before any lawful redetention of Petitioner; *provided that* prior notice is not required for redetention on account of new criminal conduct, or if Petitioner was incidentally detained during some other operation that was not specifically directed at detaining Petitioner. In the event that Petitioner is arrested by ICE incidentally during an operation that is not specifically directed at detaining Petitioner, ICE will promptly notify Petitioner's counsel.
4. The government has agreed to these actions based on the specific facts and circumstances presented in this matter, and nothing in this stipulation shall be construed as an admission of liability or wrongdoing by the government, or a concession of rights or arguments

by the government or by the Petitioner; nor shall it be construed to require the government to provide release to any other noncitizen in similar or dissimilar circumstances, and this agreement shall in no way be used to undermine the government's litigation position in any other case.

Dated: May 14, 2025  
New York, New York


JAY CLAYTON  
United States Attorney for the  
Southern District of New York  
*Attorney for Respondents*

By: s/ Anthony J. Sun  
ANTHONY J. SUN  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, New York 10007  
Tel.: (212) 637-2810  
E-mail: anthony.sun@usdoj.gov

Dated: May 14, 2025  
New York, New York

By: s/ Paige Austin<sup>1</sup>  
PAIGE AUSTIN  
Make the Road New York  
301 Grove St.  
Brooklyn, New York 11237  
Tel.: (718) 565-8500 ext. 4139  
E-mail: paige.austin@maketheroadny.org  
*Attorney for Petitioner*

SO ORDERED:

  
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HON. LEWIS J. LIMAN  
UNITED STATES DISTRICT JUDGE

Date: May 15, 2025

<sup>1</sup> Consent for signature obtained pursuant to S.D.N.Y. ECF Rule 8.5(c).